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Attorney for Simon Williams

**IN THE UNITED STATES COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

**SIMON WILLIAMS**, an individual,

Plaintiff,

v.

**CASCADIA BEHAVIORAL  
HEALTHCARE, INC.**, an Oregon non-  
profit corporation; **TAMARA COLLINS**, an  
individual; **MELISSA HAMPTION**, an  
individual; **LYUDMILLA AVANESON**, an  
individual,

Defendants.

Civil No. 3:14-cv-01618-HZ

**AMENDED COMPLAINT FOR  
EMPLOYMENT DISCRIMINATION**

**JURY TRIAL DEMANDED**

Plaintiff through his attorney files this Complaint, and alleges as follows:

## **INTRODUCTION**

### **1.**

This action is brought for discrimination in employment pursuant to Title VII of the Civil Rights Act of 1964, codified as 42 U.S.C. §§ 2000e to 2000e-17, 42 USC §1981, and ORS §659A.030 based on race, color, and gender.

## **PARTIES**

### **2.**

Simon Williams is an adult male of African American background.

### **3.**

Cascadia Behavioral Healthcare, Inc. is domestic nonprofit corporation (“Cascadia”).

### **4.**

Tamara Collins, Melissa Hampton, and Lydumilla Avaneson are adults, and at all material times were employed by defendant Cascadia Behavioral Healthcare, Inc.

### **5.**

## **JURISDICTION, VENUE AND INTRA DISTRICT ASSIGNMENT**

Jurisdiction for federal claims in this action is proper under 28 U.S.C. §§1331, 1337, 1343, 42 U.S.C. § 2000e-16, and 42 U.S.C. §§1981 and 1988.

### **6.**

Jurisdiction for supplemental state claims is proper under 28 U.S.C. §1367.

### **7.**

Headquarters for defendant Cascadia are located in Portland, Multnomah

County, Oregon. Plaintiff is a resident of Multnomah County Oregon. On information and belief, the balance of the Defendants live within this judicial district. The majority of the operative facts arose in Multnomah County, Oregon. Venue is therefore appropriate in the United States District Court for the District of Oregon, Portland Division.

### **SUMMARY OF FACTS**

#### **8.**

The facts below are presented as a representative summary of some of the wrongful conduct of Defendants in this matter. Plaintiff will present additional facts and unlawful conduct by Defendants during discovery in this case, and based on discovery of additional facts and witnesses.

#### **9.**

Plaintiff began working for Cascadia on or about April 25, 2011 as a treatment counselor.

#### **10.**

Beginning on or about March 22, 2013, Defendants began to unlawfully target Plaintiff based in substantial part on his race, color, and gender.

#### **11.**

For example, Plaintiff was falsely accused of inappropriate work behavior, including being falsely accused of showing nude photos to co-workers.

#### **12.**

Defendants' course of conduct and acts caused Plaintiff to reasonably feel that he was not welcome in the workplace. Defendants treated Plaintiff less favorably than

his co-workers, and created and maintained a hostile and intimidating work environment for plaintiff because of his race, color, and gender.

**13.**

Defendants also retaliated against Plaintiff for his opposition to their discriminatory conduct and for opposing Defendants' acts of racial discrimination.

**14.**

In a meeting between one of Plaintiff's supervisors, Braxton, Defendant Hampton disclosed that Defendants Hampton, Collins, and Avaneson did not like Plaintiff in significant part because he "was an offensive black male."

**15.**

Defendant Hampton also revealed that Collins and Avaneson were targeting Plaintiff because of their prejudices against black men.

**16.**

Defendant Hampton was in a supervisory role with respect to Plaintiff, engaged directly in discriminatory conduct, and failed to take any or sufficient action to prevent others from engaging in discriminatory conduct toward Plaintiff.

**17.**

After Plaintiff's supervisors and management at Cascadia learned of the discriminatory behavior toward Plaintiff, they took insufficient action to alleviate or remedy the situation.

**18.**

As a result, Plaintiff was subjected to an ongoing hostile and intolerable

workplace. Plaintiff was constructively discharged on or about July 15, 2013.

### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

#### **19.**

Plaintiff filed a charge with the Oregon Bureau of Labor and Industries / Equal Employment Opportunity Commission regarding the above discriminatory conduct on or about May 22, 2014. The Oregon Bureau of Labor and Industries issued a Notice of Right to Sue on July 16, 2014, and Plaintiff's 90-day period to file his claims expires on October 14, 2014.

### **FIRST CLAIM FOR RELIEF**

**(Racial Discrimination in Violation of Title VII of the  
Civil Rights Act of 1964 - 42 U.S.C. §2000e. *et seq.*)**

**(All Defendants)**

#### **20.**

Plaintiff realleges paragraphs 1 through 19, and further alleges:

#### **21.**

Defendants' conduct alleged herein constitutes discrimination based on race, color, and gender in violation of Title VII.

#### **22.**

As a direct and proximate result of Defendants' conduct, Plaintiff has sustained economic damages and non-economic damages in the form of mental and emotional distress in an amount to be proven at trial.

### **SECOND CLAIM FOR RELIEF**

**(Denial of Equal Rights Under Law - 42 USC §1981)**

**(All Defendants)**

**23.**

Plaintiff realleges paragraphs 1 through 19, and further alleges:

**24.**

Defendants' conduct alleged herein denied Plaintiff the right to make and enforce contracts and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens.

**25.**

As a direct and proximate result of Defendants' conduct, Plaintiff has sustained economic damages and non-economic damages in the form of mental and emotional distress in an amount to be proven at trial.

**THIRD CLAIM FOR RELIEF**

**(Retaliation in Violation of Title VII of the**

**Civil Rights Act of 1964 - 42 U.S.C. §2000e(3)(a))**

**(All Defendants)**

**26.**

Plaintiff realleges paragraphs 1 through 19, and further alleges:

**27.**

Defendants' conduct alleged herein constituted retaliation against Plaintiff because he engaged in activities protected by Title VII.

**28.**

As a direct and proximate result of Defendants' conduct, Plaintiff has sustained economic damages and non-economic damages in the form of mental and emotional distress in an amount to be proven at trial.

**FOURTH CLAIM FOR RELIEF**

**(Discrimination because of race, color, and sex - ORS 659A.030)**

**(All Defendants)**

**29.**

Plaintiff realleges paragraphs 1 through 19, and further alleges:

**30.**

Defendants' conduct alleged herein constitutes discrimination based on race, color, and gender in violation of ORS 659A.030.

**31.**

As a direct and proximate result of Defendants' conduct, Plaintiff has sustained economic damages and non-economic damages in the form of mental and emotional distress in an amount to be proven at trial.

**FIFTH CLAIM FOR RELIEF**

**(Retaliation for Engaging in Protected Activities - ORS 659A.030)**

**(All Defendants)**

**32.**

Plaintiff realleges paragraphs 1 through 19, and further alleges:

**33.**

Defendants' conduct alleged herein constituted retaliation against Plaintiff

because he engaged in activities protected by Title VII and ORS 659A.030.

**34.**

As a direct and proximate result of Defendants' conduct, Plaintiff has sustained economic damages and non-economic damages in the form of mental and emotional distress in an amount to be proven at trial.

**WHEREFORE**, Plaintiff asks for judgment against Defendants as follows:

1. For economic damages in an amount to be proven at trial and sufficient to compensate Plaintiff for the economic injuries, damages, and harm caused by Defendants' conduct;
2. For non-economic damages in an amount to be proven at trial and sufficient to compensate Plaintiff for the non-economic injuries, damages, and harm caused by Defendants' conduct;
3. Reasonable attorney fees incurred by Plaintiff in bringing this action;
4. Plaintiff's costs and disbursements incurred in bringing this action;
5. All other relief as this Court may find just and proper.

**DATED:** October 15, 2014.

**RICK KLINGBEIL, P.C.**

/s/ Rick Klingbeil

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Rick Klingbeil, OSB #933326  
of Attorneys for Plaintiff